

Application for Approval of a Definitive Plan

Under the Subdivision Control Law and the Acton Planning Board Subdivision Rules and Regulations

for

A RESIDENTIAL COMPOUND AT 68 WILLOW STREET ACTON, MA

Location:

Assessors Map F2B Parcel 112

#68 Willow Street

Acton, MA

Applicant:

William Dunn

68 Willow Street Acton, MA 01720

Owners:

William J. and Ann B. Dunn

68 Willow Street Acton, MA 01720

Date:

December 20, 2005

SM-2923

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5.2.11	LETTER DOCUMENTING AUTHORIZING VOTE IF DEVELOPER IS ACTING IN THE NAME OF A TRUST, CORPORATION OR COMPANY. – N/A
5.2.12	COPIES OF DEEDS
5.2.13	LIST OF MORTGAGE HOLDERS – NONE
10.1.1.5	DRAFT DEED RESTRICTION
	PROOF PLAN COST ESTIMATE – FOR DWELLING RELOCATION BY: M. R. RESTORATION

Attached Full Size Plans

"Definitive Plan"

For

68 Willow Street, A Residential Compound

Acton, Massachusetts; For: William Dunn Scale: 1"=20'; December 20, 2005 By: Stamski And McNary, Inc.

"Conventional Subdivision Proof Plan"

De la company

Acton, Massachusetts; For: William Dunn Scale: 1"=40"; June 23, 2005 By: Stamski And McNary, Inc.

5.2.1

FORM DP APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

ACTON PLANNING BOARD

FORM DP

APPLICATION for APPROVAL of DEFINITIVE PLAN

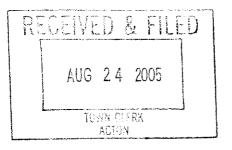
The undersigned herewith submits the accompanying Definitive Plan of property located in the or Acton for Approval as a subdivision under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in the Town of Acton.

(Please type or print information in blanks below.)

1.	Name of Proposed Subdivision A Residential Compound at 68 Willow Street	
2.	Name of Applicant(s) William J. and Ann B. Dunn	
	Contact Address 68 Willow Street Phone (978) 265-3595	
3.	Name of Property Owner(s) William J. and Ann B. Dunn	
4.	Name of Engineer Stamski and McNary, Inc.	
	Address 80 Harris Street, Acton, MA 01720 Phone (978) 263-8585	
5.	Name of Land Surveyor Stamski and McNary, Inc.	
	Address 80 Harris Street, Acton, MA 01720 Phone (978) 263-8585	
6.	Deed of property recorded in Middlesex South Registry Of Deeds, Book Number 15913,	
	Page Number 64; and/or registered in Middlesex Registry of Land Court, Certificate of	
	Title Number	
7.	Zoning District R-2, Town Atlas Map No. F2B Parcel No. 112	
	Approximate acreage in subdivision <u>1.82± Acres</u> , Number of Lots <u>2</u>	
	Total length of road(s) in feet	
	Location and Description of Property 68 Willow Street, 175' Southwest of	
	Summer Street Intersection	
8.	Said plan has ()/ has not () evolved from a preliminary plan submitted to the Board on	
	June 27 2005; and approved (with modifications) (X) or disapproved () on Aug 23 200	<u>5</u> .
	D) De 10.20.05 an 12.20.	A L
Ap	pplicant(s) Signature, Date Applicant(s) Signature, Date	0 %
,		
Andrew Control	D, Olas 12.30.05 Cin V. June 12.30.	05
0	wner(s) Signature, Date Owner(s) Signature, Date	

All owners (in the case of a corporation, an authorized officer; in the case of a trust, all trustees) must sign.





TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
pb@acton-ma.gov
www.acton-ma.gov

AUG 2 9 2005

Planning Board

DECISION 05-04

<u>Dunn – 68 Willow Street</u>
Preliminary Subdivision (Residential Compound)

Residential Compound)

August 23, 2005
APPROVED with CONDITIONS

Decision of the Acton Planning Board (hereinafter the Board) on the application of William J. and Ann B. Dunn of 68 Willow Street, Acton MA (hereinafter the Applicant) for their property at the same address. The property is shown on the 2004 Acton Town Atlas map F-2B, as parcel 112 (hereinafter the Site).

This Decision is in response to an Application for Approval of a Preliminary Subdivision Plan entitled "Preliminary Plan for a Residential Compound at 68 Willow Street, Acton, Massachusetts", received by the Acton Planning Department on June 27, 2005, pursuant to Massachusetts General Laws, Chapter 41, Section 81-K through 81-GG, and the Acton Subdivision Rules and Regulations (hereinafter the Rules).

The Applicant presented the subdivision proposal to the Board at an advertised public meeting of the Board on August 9, 2005. Mr. George Dimakarakos of Stamski and McNary, Inc. represented the Applicant. Board members Gregory E. Niemyski (Chairman), Christopher R. Schaffner (Vice Chairman), William F. King, Gary R. Sullivan, Ruth M. Martin, Edmund R. Starzec, and associate member Michael C. Densen were present at the meeting. The minutes of the meeting and submissions on which this decision is based upon may be referred to in the Planning Department or the Town Clerk's office at the Acton Town Hall.

1 EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

- 1.1 A plan entitled "Preliminary Plan for a Residential Compound at 68 Willow Street, Acton, Massachusetts", dated 6/23/05, drawn by Stamski and McNary, Inc., consisting of one sheet
- 1.2 A plan entitled "Conventional Subdivision Proof Plan in Acton, Massachusetts for William Dunn", dated 6/24/05, drawn by Stamski and McNary, Inc., consisting of one sheet.
- 1.3 Supplemental items and documentation required by the Rules consisting of:
 - An Application for Approval of a Preliminary Plan, form PP, dated 6/23/05.
 - Filing fee
 - A completed Development Impact Report, form DIR.
- 1.4 Additional information submitted by the Applicant:
 - A certified list of abutters.

- 1.5 Interdepartmental communication received from:
 - Acton Building Commissioner, dated 6/30/05;
 - Acton Director of Natural Resources, dated 6/29/05;
 - Acton Engineering Department, dated 7/18/05;
 - Acton Health Department, dated 6/30/05;
 - Acton Planning Department, dated 7/22/05;
 - Acton Police Chief, dated 7/5/05;
 - Acton Tree Warden & Municipal Properties Dir., dated 7/6/05.

Exhibits 1.1 through 1.3 are referred to herein as the Plan.

2 FINDINGS and CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 2.1 The Applicant proposes the 2-lot subdivision as a Residential Compound under Section 10 of the Rules. Section 10 of the Rules provides for broad waivers to "permit small-scale residential subdivisions in a manner that minimizes Town maintenance responsibility and cost, while simultaneously preserving the rural character of the Town". It refers to the common driveway standards of the Acton Zoning Bylaw (hereinafter the Bylaw) as a guideline for laying out and constructing residential compound subdivisions.
- 2.2 The proposed subdivision is located within the Residence 2 zoning district and the Groundwater Protection District Zone 3.
- 2.3 The Plan shows the division of approximately 1.82 acres into two single-family residential lots. One lot has an existing house on it.
- 2.4 The existing and the proposed new single-family residence are allowed on the Site in accordance with the Bylaw, including all overlay district requirements.
- 2.5 The proposed lots as shown on the Plan comply with the area and frontage requirements of the Bylaw, including all overlay district requirements.
- 2.6 The Plan shows a +/- 252-foot long (to the end of the turnaround) unnamed subdivision street (private way) that intersects with Willow Street. The proposed pavement width is 12 feet within a 20-foot wide layout.
- 2.7 The proposed private way abuts the northeast property line destroying most of the existing trees and vegetation between the Site and Loring property. The proposed private way then curves and extends across the Site to the southwest property line destroying existing trees and vegetation between the Site and the Banks property.
- 2.8 The Applicant has submitted a "proof plan" that shows a 2-lot subdivision with the existing house on lot 1 moved approximately 50 feet to allow for a standard subdivision street as required by the Rules. The standard street dimensions, lot areas, and frontages meet the minimum requirements of the Rules and Bylaw.
- 2.9 The application did not include a draft common driveway maintenance agreement and covenant as required under section 10 of the Rules.
- 2.10 By reference to the common drive standards of the Bylaw, the Rules require that "adequate drainage shall be provided." Due to the low-intensity use and vehicle traffic, Low impact Development (LID) options could be considered for purposes of handling storm water runoff. Generally, LID design seeks to avoid or minimize storm water discharge from the site, to disperse groundwater recharge locations throughout the site rather than concentrate recharge in one or few areas, and to handle storm water primarily

- with above-ground facilities and structures such as swales, recharge beds, or porous pavers.
- 2.11 The Applicant has not requested any specific waivers from the Rules. However, the proposal as a Residential Compound contemplates waivers from sections 8 and 9 of the Rules. The Board, in its discretion, may grant waivers to any or all, or to none of the portions of these sections. As a general policy, the Board does not usually waive sidewalk requirements of the Rules (section 9.6), but it does allow, and in the case of Residential Compounds, it encourages sidewalks in alternative locations more useful to the applicant and the general public.
- 2.12 Under Massachusetts Law, property taxes on the land must be paid prior to recording of a definitive plan.
- 2.13 The Board has received comments from various Town departments, which are listed as Exhibit 1.5 above. The Board has considered these comments in its deliberations and made them available to the Applicant.

3 BOARD ACTION

Therefore, subject to and with the benefit of the following waivers, conditions, and plan modifications, the Board voted on August 23, 2005 to APPROVE the preliminary subdivision.

3.1 WAIVERS

Waivers from the Rules sections 8 and 9 in accordance with section 10, Optional Residential Compound Plan, seem appropriate to allow the street layout and design generally as depicted on the Plan.

3.2 CONDITIONS and PLAN MODIFICATIONS

Unless stated or implied otherwise, the conditions shall be fulfilled and the modifications to the Plan shall be made before filing the application for approval of a definitive plan.

- 3.2.1 Provide a certified cost estimate from a general contractor specialized in moving houses for moving the existing house on lot 1 as shown on the proof plan.
- 3.2.2 Minimize the removal of existing trees and vegetation, especially along lot lines. Move the private way southwest away from the abutting Loring property to preserve as much existing vegetation as possible between the Site and the Loring property. Shift the lot 2 driveway and house northeast to avoid destroying some of the existing vegetation between the Site and the abutting Banks property.
- 3.2.3 Show adequate monumentation of the lots and private way as recommended in the Engineering Department comment memo.
- 3.2.4 Assign and label lot 2 as 66 Willow Street, and show a sign adjacent to the private way at Willow Street indicating the street address of the property.
- 3.2.5 Eliminate the northern Willow Street driveway curb cut for lot 1.
- 3.2.6 Lot 1 shall be allowed full rights to use the private way for access. However, no driveway shall be constructed for lot 1 from the private way unless all lot 1 Willow Street curb cuts are closed. No new driveway parallel to Willow Street shall be constructed on lot 1 between the house and Willow Street, or within the minimum building set back from Willow Street
- 3.2.7 Place a note on the Plan stating that the private way shall only serve the lots shown on the

- 3.2.8 Consult with the Fire Chief regarding adequacy of the turnaround and general fire protection issues, and make Plan changes as necessary.
- 3.2.9 Consult with the Acton Water Supply District concerning water service for the lots, and make Plan changes as necessary.
- 3.2.10 Submit a draft common driveway maintenance agreement and covenant for the street and all its appurtenances as required under section 10 of the Rules, including an operation and maintenance plan for the proposed drainage system.
- 3.2.11 Show drainage easements on the lots for any street related drainage facilities.
- 3.2.12 Eliminate the rear retention basin and propose a LID drainage design that includes some redundancy and extra capacity, is simple to design, and functions in the winter months.
- 3.2.13 Assess and document the ground's recharge capacity in the locations where storm water recharge is proposed.
- 3.2.14 Place a note on the Plan that states the contractor will be responsible to pave the new underground utilities trench (that serves the development) on Willow Street with a special infrared patch.
- 3.2.15 The Applicant shall construct a sidewalk on Willow Street. Submit a construction plan for a sidewalk along the west side of Willow Street from Kingman Road extending north for approximately 290 feet at \$30.00 per foot of sidewalk. This cost equals the approximate cost of constructing a sidewalk along the Site's proposed unnamed 252-foot street (at the Board's construction cost equivalent value estimate for new sidewalks of \$15.00 per foot of sidewalk) and the Site's 160-foot frontage along Willow Street (at the Board's construction cost equivalent value estimate for off-site, existing road sidewalks of \$30.00 per foot of sidewalk). Where the sidewalk terminates, connect it to the street pavement.
- 3.2.16 Unless directed otherwise by this decision, the definitive plan shall comply with all requirements of the Rules, and shall address all departmental comments received by the Board in a manner that resolves any concerns raised therein to the satisfaction of the Board.
- 3.2.17 All property taxes and other municipal charges must be paid prior to the application for approval of the definitive plan.

Signed on behalf of the Acton Planning Board

Gregory E. Niemyski, Chairman

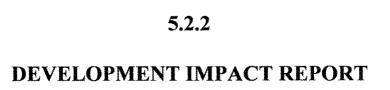
Copies to:

Applicant
Engineering Department
Conservation Administrator
Town Assessor

Building Commissioner
Municipal Properties Director
Town Manager
Historical Commission

Board of Health Town Clerk Fire Chief Police Chief

Li Development Applications Willow St - 58'68 Willow Street - Decision - 8-05'doc



DEVELOPMENT IMPACT REPORT

The Development Impact Report (DIR) is intended to serve as a guide to the applicant in formulating the development proposal, as well as a guide to the Planning Board in its evaluation of the proposed development in the context of existing conditions and planning efforts by the Town. The DIR should be prepared as early in the development process as possible, even if certain aspects are unknown at that time. It is recommended that the various aspects of the DIR, together with a conceptual development plan, be discussed with the Planning Department staff as soon as possible, prior to the filing of an application for approval of a preliminary plan.

The DIR seeks to raise the broad range of issues generally associated with development plans in a form and in a language that is understandable to a layperson. It assesses development impacts, which could possibly be avoided or mitigated if recognized early in the development process. Other portions of the DIR request information, which will help the Town, plan ahead and ensure adequate services in the future. It is the hope of the Planning Board that the use of the DIR, along with early consultations with the Planning Department staff and the applicant's continuing cooperation throughout the development process, will foster a development of excellent quality and design sensitive to Acton's natural and historic heritage and other community concerns.

The DIR shall be filed with an application for approval of a preliminary <u>and</u> a definitive subdivision plan. The DIR shall clearly and methodically assess the relationship of the proposed development to the natural, physical, and social environment. In preparing the DIR, professionals of the respective fields shall be consulted and a systematic, interdisciplinary approach shall be utilized which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning, designing and engineering of the proposed project.

DR

DEVELOPMENT IMPACT REPORT

Please type or print information in blanks below.

1.	Name of Proposed Subdivision <u>"A Residential Compound at 68 Willow Street"</u>
2.	Location #68 Willow Street; Assessor's Map F2B Parcel 112
3.	Name of Applicant(s) William Dunn
	Brief Description of the Proposed Project: <u>A proposed Residential Compound consisting of one sting and one proposed detached single family dwelling to be served by a private way designed to standards for a common driveway. The existing dwelling at #68 Willow Street will remain.</u>
5.	Name of Individual Preparing this DIR: Richard J. Harrington, P.E. Address: Stamski And McNary, Inc. 80 Harris St. Acton, MA 01720 Business Phone (978) 263-8585 ext. 111
6.	Professional Credentials: Commonwealth of MA Registered Professional Engineer Lic. # 41298 Member of American Society of Civil Engineers
<u>A.</u>	Site Description

7. Present permitted and actual land uses by percentage of the site.

Uses	Percentage	
Industrial	0	
Commercial	0	
Residential	100	
Forest	0	
Agricultural	0	
Other (specify)	0	

8. Total acreage on the site: <u>1.82+/-</u> acres.

Approximate Acreage	At Present	After Completion
Meadow or Brushland (non agriculture)	0	0
Forested	1.092 +/-	0.618 +/-
Agricultural (includes orchards, cropland, pasture)	0	0
Wetland	0.054 +/-	0.054 +/-
Water Surface Area	0	0
Flood Plain	0	0
Unvegetated (rock, earth, or fill)	0	0
Roads, buildings and other impervious surfaces	0.096 +/-	0.242 +/-
Other (indicate type) Lawn and open space	0.578 +/-	0.906 +/-

	District		Percei	ntage		
	Residence 2 (R-2)		100			
	Groundwater Protection District Zo	one 3	100			
10.	Predominant soil type(s) o	n the	site:	<u>35B</u>	Hinckley	Loamy Sand
	Soil drainage (Use the US Soil Conse	ervation Se	ervice's de	efinition)	-	
	Soil Type	·	% of th	ne Site		
	Well drained		100		HITCHIOTOPPA	
	Moderately well drained Poorly drained				- Control of the cont	
	Foony dramed	············			***************************************	
11.	Are there bedrock outcroppings on the	e site?	yes	<u> </u>	no	
12.	Approximate percentage of proposed	site with s	lopes bet	ween:		
	Slope		he Site			
	0 - 10%	83				
		1.4	ı			
	10 - 15%	14				
	greater than 15%	14				
13.		3	ts in the s	site locat	ed? How cl	lose is the site to a
13.	greater than 15% In which of the Groundwater Protecti	3 on District				lose is the site to a
	greater than 15% In which of the Groundwater Protecti public well?	3 on District public well pecies of	l: <u>3,80</u> plant or :	<u>0 +/-</u> fee	et ife that is id	lentified as rare o
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DIR

16.	yes _Xno
	If yes, specify:
17.	Is the site presently used by the community or neighborhood as an open space or recreation area?yesXno
	Is the site adjacent to conservation land or a recreation area?yesno
	If yes, specify:
18.	Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view?yes _Xno
	If yes, specify:
19.	Are there wetlands, lakes, ponds, streams, or rivers within or contiguous to the site?xyesno
	If yes, specify: <u>Vegetated Wetlands are located on site along the rear of the property. The wetlands borders on Muddy Brook which is located to the southeast of the property.</u>
20.	Is there any farmland or forestland on the site protected under Chapter 61A or 61B of the Massachusetts General Laws?yesXno
	If yes, specify:
21.	Has the site ever been used for the disposal of hazardous waste? Has a 21E Study been conducted for the site?yes _Xno
	If yes, specify results: No, to the best of the preparer's knowledge, existing land use is for residential dwellings.
22.	Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste?yesXno
	If yes, specify
23.	Does the project contain any buildings or sites of historic or archaeological significance? (Consult with the Acton Historic Commission or the Action Historical Society.) yesXno
	If yes, please describe

24.	Is the project contiguous to or does it contain a building in a local historic district or national register district? yesX no	
25.	Is the project contiguous to any section of the Isaac Davis Trail? yesX_ no	
	If yes, please describe	
<u>B.</u>	Circulation System	
26.	What is the average weekday traffic and peak hour traffic volumes generated by the proposed subdivision? Based on 1 Proposed Dwelling, the existing dwelling is not included.	
	Average weekday traffic 9.6	
	Average peak hour volumes morning 0.75	
	Average peak hour volumes evening 1.01	
27.	Existing street(s) providing access to proposed subdivision:	
	Name Willow Street Town Classification Collector	
28.	Existing intersection(s): list intersections located within 1000 feet of any access to the proposed development: Name of ways Willow Street & Summer Street	
29.	 Location of existing sidewalks within 1000 feet of the proposed site? <u>Summer Street. A sidewalk</u> begins at the intersection of Summer Street and Willow Street and runs towards Milbery Lane. 	
30.	Location of proposed sidewalks and their connection to existing sidewalks: In lieu of sidewalks, the applicant would like to contribute to the sidewalk fund.	
31.	Are there parcels of undeveloped land adjacent to the proposed site?yes _X_ no	
	Will access to these undeveloped parcels been provided within the proposed site?yes no	
	If yes, please describe	
	If no, please explain why	
<u> </u>	Utilities and Municipal Services	
32.	If dwelling units are to be constructed, what is the total number of bedrooms proposed?5	
33.	If the proposed use of the site is nonresidential, what will the site be specifically used for and how many feet of Gross floor area will be constructed? N/A site is residential.	

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34. Storm Drainage

- a. Describe nature, location and surface water body receiving current surface water of the site: Runoff from the entire site eventually runs into the wetlands at the rear of the property which borders on Muddy Brook.
- b. Describe the proposed storm drainage system and how it will be altered by the proposed development: A hooded catch basin and diversion manhole will direct the "first flush" of runoff from the private way into a clay lined retention basin. The remainder of the runoff will be diverted into an infiltration basin to control peak rates of runoff. Portions of the driveway runoff will also be recharged.

	c. Will a NPDS Permit be required?yesX_ no
35.	In the event of fire, estimate the response time of the fire department (consult with Fire Dept.) 3-4 Minutes
36.	Schools (if residential)
	a. Projected number of new school age children: 1.67x1 new dwelling = 1.67

E. Measures to Mitigate Impacts

Attach brief descriptions of the measures that will be taken to:

b. Distance to nearest school: 8,000' +/-

37. Prevent surface water contamination.

- 38. Prevent groundwater contamination.
- Maximize groundwater recharge.
- 40. Prevent erosion and sedimentation.
- 41. Maintain slope stability.
- 42. Design the project to conserve energy.
- 43. Preserve wildlife habitat.
- Preserve wetlands.
- 45. Ensure compatibility with the surrounding land uses.
- 46. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the predevelopment rate of runoff for the 10-year storm event.
- 47. Preserve historically significant structure sand features on the site.
- 48. To mitigate the impact of the traffic generated by the development.

Please use layman's terms where possible while still being accurate and comprehensive. Where appropriate, graphics shall be used. List sources of data, reference materials, and methodology used to determine all conclusions. Use additional sheets as necessary.

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- 37. Prevent surface water contamination: The proposed drainage system will be designed in compliance with the Groundwater Protection District Regulations outlined in the Town of Acton Zoning Bylaw, Groundwater Protection District Zone 3. The private way drainage will be collected by a deep sump and hooded catch basin, which will collect driveway sediment, and routed to a diversion manhole. The diversion manhole will direct the first flush (one inch) of runoff into a clay lined retention basin that acts as pre-treatment and will prohibit oil and gas from exiting the drainage system. After the first inch has been collected in the retention basin, the diversion manhole will direct volumes exceeding the water quality volume into the infiltration basin. The infiltration basin will be implemented prior to the discharge of runoff from the site.
- 38. Prevent groundwater contamination Runoff from the private way will be collected in a deep sump and hooded catch basin and the first flush (one inch), from the private way, of every storm event will be diverted into a clay lined retention basin. The septic system on each lot will be designed to meet or exceed Title V and the Town of Acton Board of Health standards. Each lot will be served by town water. The drainage system will be designed to treat and recharge the runoff so as to prevent contamination of the groundwater. In addition, all private way drainage will be directed into a stormwater management system as described above. This stormwater management system will stop any potential pollutants (i.e. oil and gas) before they can reach the groundwater table. The site is located within the Groundwater Protection District Zone 3.
- 39. Maximize groundwater recharge An Infiltration trench will be provided for the driveway on the proposed lot. An additional recharge area will also be provided for runoff from the proposed driveway. The proposed retention basin will hold the first flush (one inch) of runoff from the proposed driveway. The overall drainage concept for this site will be to provide storage and recharge such that the amount of annual precipitation being captured and recharged into the groundwater table will not be reduced due to development throughout the site.
- 40. Prevent erosion and sedimentation During construction, a haybale and/or siltation fence will be placed between the limit of construction and the edge of the property, which will remain in place until a vegetative cover is established. Any silt, construction debris, etc. shall be removed from the public way or abutting property immediately upon discovery. All sediments spilled, dropped, or washed into public rights-of-ways shall also be removed immediately. A "Stabilized Construction Entrance" will be located at the intersection with Willow Street. The "Stabilized Construction Entrance" will be removed and replaced with gravel prior to placement of pavement. All catchbasins and manhole rims will be covered with siltation fabric and haybales. The sumps will be cleaned out immediately upon completion of construction activities. All cut and fill slopes will be stabilized immediately with six inches (6") of loam and seed during the growing season (April 1 to November 1) or with haymulch during the non-growing season (November 1 to April 1). Any fill material used shall be free of hazardous material and construction debris. Rip rap will be placed at the end of all drainage outlets. The developer shall comply with the Erosion and Sedimentation Control Plan.
- 41. Maintain slope stability All cut and fill slopes will be stabilized immediately with six inches (6") of loam and seed during the growing season (April 1 to November 1) or with haymulch during the non-growing season (November 1 to April 1). Haybales and/or siltation fence shall remain in place until vegetation has been established. An Erosion and Sedimentation Control Plan will be prepared which will provide the necessary details.
- <u>42. Design the project to conserve energy</u> The proposed dwelling will meet the stringent requirements of the state and local building codes.

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- 43. Preserve wildlife habitat The site is not located within an area of estimated habitat of rare wildlife. Existing vegetation shall be preserved wherever possible.
- 44. Preserve wetlands The wetlands located within the site will not be impacted due to construction activity.
- 45. Ensure compatibility with the surrounding land uses The surrounding land uses are composed of residential single family homes along Willow Street. The existing and proposed use of the property is also residential. The approval of a residential compound will maintain the feel of a small neighborhood, since there will be less pavement, tree clearing and drainage required for a common driveway as opposed to a full subdivision road.
- 46. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the predevelopment. See 37, 38 & 39. The driveway infiltration trench on the proposed lot along with the retention and infiltration basins for the private way will provide the storage and the controls necessary to disperse and slow down runoff from developed areas to below predevelopment runoff rates.
- 47. Preserve historically significant structures and features on the site: N/A
- 48. To mitigate the impact of the traffic generated by the development. The proposed private way is a minor way designed to common driveway standards. The project will only generate traffic from one additional residential dwelling. A stop sign currently exists at the intersection of Willow Street with Summer Street. The vehicle trips generated from this proposed development are well below any daily volume threshold that would effectively put a strain on the existing streets. The proposed dwelling will be assigned a Willow Street address, thus avoiding an additional street intersection along Willow Street.

DIR Page 8 of 8

5.2.3

FILING FEE (COPY OF CHECK)

Appendix C

SUBDIVISION FEE SCHEDULE			
PRELIMINARY PLAN	\$1000.00 or \$500.00 + \$0.50/foot of road, whichever is greater		
DEFINITIVE PLAN	DEFINITIVE PLAN		
Following a Preliminary Plan	\$2000.00 + \$5.00/foot of road		
Without Preliminary Plan	\$2500.00 + \$8.00/foot of road		
Modification or Amendment	\$2000.00 + \$5.00/foot of road		
Rescission	\$500.00		
ANR PLAN			
No New Lot Lines	\$25.00		
New Lot Lines	\$100.00 + \$50.00/lot		

\$2,000 + \$5x(257 LFROAD) = \$3,285

\$ 3785. ¢
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5.2.4

DEFINITIVE SUBDIVISION PLAN (SEE ATTACHED)

5.2.5

FORM DC DESIGNERS CERTIFICATE

FORM DC

DESIGNER'S CERTIFICATE

I hereby certify that the accompanying plan entitled	Definitive Plan for 68 Willow Street
	dated December 20, 2005
is correct, stating that the perimeter traverse of the s	subdivision before adjustment was closed to
an accuracy of a ratio "error of closure" not to excee	ed 1/15000*; that it is a subdivision of
acres conveyed by Richard A. Mattison and Joyce E.	Mattisonto
William J. Dunn and Ann B. Dunn	by a deed, dated
12/07/84 and recorded in Middlesex Coun	ty Registry of Deeds, South District,
Book 15913 , Page 064 .	
Other sources of information used in the preparation	n of the plan are:
1. Other deeds and plans, as followsPlans 491 or	f 1936, 154 of 1945, 72 of 1981
1445 of 1981	
2. Oral information furnished by <u>N/A</u>	
3. Other <u>N/A</u>	
Furthermore, I certify that this survey was made on Technical Standards for the Practice of Land Survey July 16, 2001 and December 16, 2005.	
WILLIAM F.	December 20, 2005 m F. McNary

^{*}As described in "1989 Manual of Instructions for the Survey of Lands and Preparation of Plans" published by the Land Court of the Commonwealth of Massachusetts, as most recently amended.

^{**}Code of Massachusetts Regulations

5.2.6 CERTIFIED LIST OF ABUTTERS



Locals: 68 Willow St

Assistant Assessor

Brian McMullen

Parcel LD.: F2.B-112

Telephone (978) 264-9622 Fax (978) 264-9630 Acton, MA 01720

UVVI POPPERATOR 472 Main Street

₹₹ ¥ Ž Σ NASHUA ACTON 318 WINDING HILL RD 33 SUMMER ST 54 WILLOW ST 19 SUMMER ST PO BOX 985 83 WILLOW ST 80 WILLOW ST. Mailing Address 84 WILLOW ST 80 WILLOW ST 20 SUMMER ST 63 WILLOW ST 12 SUMMER ST 41 SUMMER ST 76 WILLOW ST 8 SUMMER ST 54 WILLOW ST 11 LISA DRIVE PO BOX 985 FENTON REALTY TRUST FENTON REALTY TRUST NEPTUNE WILFORD H C/O CYNTHIA LORING PORETTO JEFFERY PORETTO JEFFERY GLANNON ANN M MADDEN JOY C BETTEZ ERIN Co-Owner SUSANL NANCY H MARSHA JULIE E FENTON JAMES TRUSTEE JAMES FENTON TRUSTEE COMMERFORD JANINE SWEENEY KATHRYN R SISSON CHARLES BJR GLANNON JOSEPH W PORETTO YVONNE E BAJWA SUKHJINDER MADDEN JR PAUL B METZGER BRUCE P PORETTO YVONNE WALLACE DAVID A COLETTI SARAH J COLETTI SARAH J LORING JOHN H II **FUCKER DAVID J BETTEZ RYAN** MORRIS JANE BANKS GARY F2.8-104-1 Parcel D F2.B-73-1 F1-215-1 F2.B-103 F2.B-104 F2.B-106 F2.B-113 F2.8-95 F2.B-73 F2.B-93 G1-44-1 F2.8-94 01-25 G1-28 G1-27 61-12 G1-46 41 SUMMER ST 33 SUMMER ST 23 SUMMEN ST 19 SUMMEN ST 63 WILLOW ST 60 WILLOW ST 83 WILLOW ST 80 WILLOW ST 84 WILLOW ST 80 WILLOW ST 46 SUMMER ST 20 SUMMER ST 12 SUMMER ST 54 WILLOW ST 77 WILLOW ST 76 WILLOW ST 88 WILLOW ST 4 MILBERY LN 8 SUMMER ST

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> Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE

PLANNING BOARD, TOWN HALL IN THE FOLLOWING TOWNS:

Concord, MA 01742 Westford, MA 01886 Maymard, MA 01754 Stow/ MA 01775 Boxborydgh, MA Q1729 Cartisfe, MA 01741

Littleton, MA 01460 Sudbury, MA 01776

12-Dec-05

IN VIONE

Kimiberly HoyC

Acton Assessors Office Assessing Clerk

5.2.7 STATEMENT FROM DEVELOPER

William J. and Ann B. Dunn 68 Willow Street Acton, Ma. 01720

December 20, 2005

Planning Board Town of Acton 472 Main Street Acton, Ma. 01720

> Re:" A Residential Compound at 68 Willow Street", Application for Approval of Definitive Plan

Members of the Board:

In connection with the above-noted Application, specifically Section 5.2.7 of the Town of Acton Subdivision Rules and Regulations, this is to advise you that William J. and Ann B. Dunn, will retain the fee in the street shown on the plans submitted therewith and upon the construction of the street and installation of services will, at the request of the Town of Acton, grant to the Town the fee (or an easement for all purposes for which street is used) in such street; and will, at the request of the Town of Acton, grant to it any drainage or other easements shown on said plans.

William I Dunn

Ann B. Dunn

5.2.8

FORM LN DRAFT OF LEGAL ADVERTISEMENT

ACTON PLANNING BOARD

FORM DP-LN

LEGAL NOTICE OF PUBLIC HEARING

ACTON PLANNING BOARD

The Acton Planning Board will hold a public hearing	on
in the Acton Memorial Library, 486 Ma	ain Street, Acton, Massachusetts to discuss a
proposed subdivision of land entitled Definitive Subo	division Plan for 68 Willow Street as
petitioned by William and Ann Dunn	This subdivision
consists of 1.8+- acres to be divided into	2 lots. The land is located in Acton,
Massachusetts off of Willow Street	and shown on Town Atlas Map(s)
F-2B , Parcel(s) 112 . Plans may be view	ewed at the Office of the Planning Board or
the Office of the Town Clerk.	

5.2.9 WAIVER REQUEST LETTER

STAMSKI AND MCNARY, INC.

80 Harris Street Acton, Massachusetts 01720 (978) 263-8585 FAX (978) 263-9883

WILLIAM F. MCNARY, P.L.S. JOSEPH MARCH, P.E., P.L.S.

December 20, 2005

Acton Planning Board 472 Main Street Acton, MA 01742

Re: Definitive Subdivision Plan at 68 Willow Street, a Residential Compound Waiver Request Letter

Members of the Board:

On behalf of our client, William Dunn, we hereby request waivers from Section 8, Design Standards, and Section 9, Improvements, of the Acton Subdivision Regulations. The private driveway has been designed to Common Driveway Standards which is the general rule established under Section 10.1.2 of the Acton Subdivision Regulations.

The reason for granting the requested waivers is to allow the applicant to build a small scale residential subdivision in a manner which minimizes Town maintenance, responsibility and cost, while simultaneously preserving the rural character of the Town.

Respectfully,

For: Stamski and McNary, Inc.

Matthew Allison, E.I.T.

Richard J. Harrington, P.E.

STAMSKI AND MCNARY, INC.

80 Harris Street Acton, Massachusetts 01720 (978) 263-8585 FAX (978) 263-9883

WILLIAM F. MCNARY, P.L.S. JOSEPH MARCH, P.E., P.L.S.

December 20, 2005

Acton Board of Health 472 Main Street Acton, MA 01742

Re: Residential Compound at 68 Willow Street (Lot 1 – Existing Dwelling) **Variance Request Letter**

Members of the Board:

On behalf of our client, William Dunn, we hereby request a variance from Section 16-4.2.10, Minimum Requirements for Activities Within the Groundwater Protection Zones, of the Acton Board of Health Rules and Regulations. The drainage areas proposed for this subdivision are less than 100' from the proposed leaching area as follows:

1. <u>Leaching Area Minimum Lateral Distance from Recharge, Retention,</u> <u>Detention or Surface Drainage Area</u>

87'± Provided from Lot 1 SAS to Retention Basin	100' Required
83'± Provided from #76 SAS to Retention Basin	100' Required
99'± Provided from #76 SAS to Infiltration Basin	100' Required

The reason for granting the requested variance is to allow the drainage system for the common driveway to be built in a location outside of the buffer zone and in a manner which minimizes tree clearing along abutting lot lines. The location of the leaching areas and wetlands within this neighborhood limit the available locations on this site in which the drainage system can be placed in compliance with this regulation. It is our belief that the proposed location of the drainage basins will provide the necessary level of environmental protection in accordance with the requirements of the Groundwater Protection District Zone 3.

Respectfully.

For: Stamski and McNary, Inc.

Richard J. Harrington, P.E.

STAMSKI AND MCNARY, INC.

80 Harris Street Acton, Massachusetts 01720 (978) 263-8585 FAX (978) 263-9883

WILLIAM F. MCNARY, P.L.S. JOSEPH MARCH, P.E., P.L.S.

December 20, 2005

Acton Board of Health 472 Main Street Acton, MA 01742

Re: Residential Compound at 68 Willow Street (Lot 2 – Proposed Dwelling #66)

Variance Request Letter

Members of the Board:

On behalf of our client, William Dunn, we hereby request a variance from Section 16-4.2.10, Minimum Requirements for Activities Within the Groundwater Protection Zones, of the Acton Board of Health Rules and Regulations. The drainage areas proposed for this subdivision are less than 100' from the proposed leaching area as follows:

1. <u>Leaching Area Minimum Lateral Distance from Recharge, Retention,</u> Detention or Surface Drainage Area

64'± Provided from Lot 2 SAS to Retention Basin	100' Required
29'± Provided from Lot 2 SAS to Infiltration Basin	100' Required
29'± Provided from Lot 2 SAS to Infiltration Trench	100' Required
83'± Provided from #76 SAS to Retention Basin	100' Required
99'± Provided from #76 SAS to Infiltration Basin	100' Required

The reason for granting the requested variance is to allow the drainage system for the common driveway to be built in a location outside of the buffer zone and in a manner which minimizes tree clearing along abutting lot lines. The location of the leaching areas and wetlands within this neighborhood limit the available locations on this site in which the drainage system can be placed in compliance with this regulation. It is our belief that the proposed location of the drainage basins will provide the necessary level of environmental protection in accordance with the requirements of the Groundwater Protection District Zone 3.

Respectfully,

For: Stamski and McNary, Inc.

Richard J. Harrington, P.E.

5.2.10

LETTER AUTHORIZING TOWN TO COMPLETE DRIVEWAY

William J. and Ann B. Dunn 68 Willow Street Acton, Ma. 01720

December 20, 2005

Planning Board Town of Acton 472 Main Street Acton, Ma. 01720

> Re: "A Residential Compound at 68 Willow Street", Application for Approval of Definitive Plan

Members of the Board:

In connection with the above-noted Application, specifically Section 5.2.10 of the Town of Acton Subdivision Rules and Regulations, the undersigned does hereby authorize the Town of Acton, acting by and through its various departments and representatives, to enter upon the land which is the subject of the above-noted Application, for the purpose of completing any services and street not completed by the Applicant in accordance with the above-noted Application, any plans submitted therewith, and any conditions set forth in approvals or permits granted in connection with said Application.

William J. Dunn

Ann B. Dunn

5.2.12

COPIES OF DEEDS

We, Richard A. Mattison and Joyce E. Mattison, husband and wife as tenants by the entirety
For One Revolutionary Road, Acton, Middlesex

County, Massachusetts,

Existing mornimum, for consideration paid \$115,000.00

rigrant to William J. Dunn and Ann B. Dunn, husband and wife, as tenants by the entirety, residing at #68 Willow Street, said Acton, County Cand Commonwealth,

with quitclaim covenants

Z**epaninakip**x S

(Description and encumbrances, if any)

The land with the buildings thereon in that part of Acton in said Middlesex County known as West Acton, being Lot B on a plan entitled, "Plan of Land in Acton (West), belonging to Genevieve J. Creeley, June 27, 1936", E. M. Montague, C.E., and recorded with Middlesex South District Deeds in Book 6043, Page 65, bounded and described as follows:

Northwesterly by Willow Street, one hundred sixty (160) feet;

Northeasterly by land of Genevieve Creeley, four hundred twenty-six

(426) feet; more or less;

more or less

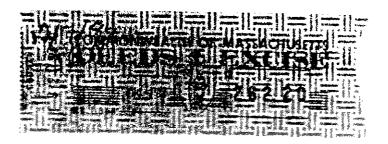
Southeasterly by two lines, one hundred twenty-eight (128) feet and eighty-three (83) feet, respectively, by land of Warren Hayward and Thomas J. and Bessie Boston; and

Southwesterly by Lot A on said plan, four hundred thirty-nine (439) feet, more or less.

Containing 1.83 acres, more or less.

Subject to easements, restrictions and agreements of record, if any there be, insofar as they may be in force and applicable.

For title, see deed of Richard A. Mattison to Richard A. Mattison, et ux dated May 14, 1980 and recorded at Middlesex South District Registry of Deeds, Book 13993, Page 297.



EthersOUTband S and seels this	day of
######################################	Richard A. Mattison
***************************************	Joyce E. Mattison
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and Millow Street, Acten, one

10.1.1.5 DRAFT DEED RESTRICTION

William J. and Ann B. Dunn 68 Willow Street Acton, Ma. 01720

December 20, 2005

Planning Board Town of Acton 472 Main Street Acton, Ma. 01720

Draft Deed Restriction for "A Residential Compound at 68 Willow Street"

Members of the Board:

We, William J. and Ann B. Dunn, agree to the following Deed restriction. The Town of Acton will not be requested to accept or maintain the private way and drainage systems, and that the land within the "Residential Compound at 68 Willow Street" will only be used for the purpose set forth in the Application and Definitive Plan submitted for approval.

William J. Dunn

Ann B. Dunn

Draft Private Way and Maintenance Agreement

WHEREAS, William J. Dunn and Ann B. Dunn, (hereinafter referred to as "Declarant") are the fee simple owner of Lots 1 and 2 on a plan entitled, "Definitive Plan for 68 Willow Street in Acton Massachusetts", Owner, Applicant William Dunn, Scale: 1 inch = 40 feet, Date: December 20, 2005, by Stamski and McNary,Inc, Land Surveyors and Civil Engineers, (hereinafter referred to as "the Plan"), and

WHEREAS, said Lot 2 shall be accessed exclusively by a private way, from Willow Street to said Lot 2, said way being by shown as "Private Way" on the Plan. Lot 1 may also be accessed by the private way, even though this lot has additional frontage and an existing driveway on Willow Street, and

WHEREAS, said private way referred to on the Plan contains drainage and utility facilities which benefit said Lot 1 and Lot 2,

NOW, THEREFOR, this Declaration hereby subjects said Lot 1 and Lot 2 to the following Private Way and Maintenance Agreement, which Agreement runs with the land and shall be binding upon the Declarant, his and her successors and assigns.

- (1) the Owners of Lot 1 and Lot 2 shall have the perpetual, non-exclusive right to use the Private Way as shown on the Plan for travel on foot and by motor vehicle to and from said Lot 1 and Lot 2 to Willow Street, the Owners of Lot 1 and Lot 2 shall have the perpetual, non-exclusive right to use the Private Way and the Utilities located within the Private Way as shown on the Plan for travel on foot and by motor vehicle to and from said Lot 1 and Lot 2 to Willow Street. A covenant that the Town of Acton will not be petitioned for street acceptance, plowing, repair, or maintenance of the Private Way;
- (2) the use of the Private Way shall be restricted to travel thereon by the owners of said Lot 1 and Lot 2 and their respective family members, guest and business invitees:
- (3) the owner of Lot 2, as shown on the Plan, shall bear the responsibility for maintenance, repairs, reconstruction, snowplowing, utilities and drainage facilities shown within the Private Way;
- (4) the terms "maintenance and repair" shall include, but not be limited to, any necessary reconstruction, any expenses of snowplowing and repairs in order to maintain the Private Way in a good and passable condition, and to maintain the utilities and drainage facilities in a good and workable condition;
- (5) any necessary maintenance, repair or reconstruction of the Private Way shall be carried out so that the products of erosion as a result thereof shall not be carried into the storm drainage system;
- (6) the owners of Lot 1 and Lot 2 shall restrict their use of the Private Way as above stated and shall not impede the passage of foot or vehicle traffic on the Private Way by parking upon it;

hereby covenar (a) any time be a snowplowing a of the owners f (b) Decision	the Declarant, the owners of Lot 1 and Lot 2, their successors and assigns, at and agree with the Town of Acton, as follows: the Private Way, and the drainage facilities appurtenant thereto, will not accepted by the Town of Acton as a public way, and accordingly, all and other maintenance and repair will be and remain the sole responsibility fron time to time from said lots as set forth herein. the Private Way is subject to the terms and conditions as set forth in the of the Acton Planning Board, including, without limiting the ne foregoing, the Private Way shall remain a private way and the owners of (1) be responsible for the removal of snow and ice on the Private Way; (2) be responsible for any general maintenance and upkeep of the
	Private Way and any associated drainage structures and other utilities;
	not petition the Town of Acton to accept the Private Way as a public way and shall not petition the Town of Acton to provide snow and ice removal services or any other maintenance of the Private Way.
	the owners of Lot 1 and Lot 2 and their heirs, successors and assigns, hat they shall, from time to time, execute additional documents required by acton or otherwise reasonably required to enable said private way to be used lots.
WITN	ESS the execution hereof under seal this day of, 2005
	William J. Dunn Ann B. Dunn
	COMMONWEALTH OF MASSACHUSETTS
Middlesex,ss.	2005
	personally appeared the above-named William J. Dunn and Ann B. Dunn and the foregoing to be their free act and deed, before me.
Notary Public My Commissi	

M.R. Restoration 373 South MAIN STREET ANDOVER, MA. 01810 978-835-7846

TOWILLIAM DUNN 68 Willow Street ton, MA, 01720 NO.

DATE 9-16-05

ESTIMATED DELIVERY
From receipt MARCh 2006 **TERMS**

SALESMAN FOLLOW UP DATE F.O.B. SHIP VIA

QUANTITY DESCRIPTION PRICE UNIT	AMOUNT
BOUR NEW Footings AND Foundation	
SOR existing dwelling located At 68 Willow Street, Actor AS DER	
plan prepared by STAMSKI AND	- IIII III III VE IK E
McNARY, INC. FOR William DUNN	n vv — on — on
dotal June 24, 2005. Octoner to provide	
All excaration work.	
More existing dwelling onto new	W W W An are a second as a sec
foundation from existing location.	
Quote Noblec labor AND MATERIALS NECESSARY TO Relocate STRUCTURE.	
+0/AL	0,000
p'Ayments As Follows:	
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To at commencement of work Einhow develling is on new Foundation	100 cm cm cm cm vv v
3 when develop is on new Foundation	

ABOVE PRICES GOOD FOR <u>30</u> DAYS.
PLEASE REFER TO THE ABOVE QUOTATION NUMBER WHEN PLACING YOUR ORDER.

Ountation/Proposal

